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3 UNITED STATES DISTRICT COURT  
4 FOR THE WESTERN DISTRICT OF WISCONSIN

5 DASHWIRE, INC.,

6 Plaintiff,

7 v.

8 SYNCHRONOSS TECHNOLOGIES, INC.,

9 Defendant.

Cause No. 11-cv-0257

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

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11 Plaintiff DASHWIRE, INC. (“Dashwire” or “Plaintiff”) complains of Defendant  
12 SYNCHRONOSS TECHNOLOGIES, INC. (“Synchronoss” or “Defendant”) as follows:

13 **NATURE OF LAWSUIT**

14 1. This is a claim for patent infringement arising under the patent laws of the  
15 United States, Title 35 of the United States Code.

16 2. This case is related to Cause No. 3:11-cv-00002-bbc, which is pending before  
17 this Court.

18 **THE PARTIES**

19 3. Dashwire is a company incorporated under the laws of Delaware with a  
20 principal place of business at 936 N. 34<sup>th</sup> St., Seattle, Washington 98103. Dashwire is the  
21 owner of U.S. Patent No. 5,574,779 (the ‘779 Patent) issued Nov. 12, 1996 and entitled  
22 “Method and Apparatus for Provisioning Network Services” (copy attached as Exhibit A),  
23 and of U.S. Patent No. 5,883,946 (the ‘946 Patent) issued Mar. 16, 1999 and entitled “Method  
24 and Apparatus for Provisioning Customized Telecommunications Services” (copy attached as  
25 Exhibit B). Plaintiff owns all right, title, and interest in, and has standing to sue for  
26 infringement of the ‘779 Patent and the ‘946 Patent.

1           4.       Dashwire has complied with its obligations, if any, created by 35 U.S.C. § 287  
2 and is entitled to an award of damages for past infringement.

3           5.       Synchronoss is a Delaware corporation with a business address at 750 Route  
4 202 South, Suite 600, Bridgewater, New Jersey 08807. Upon information and belief,  
5 Synchronoss is in the business of automating subscriber activation, order management,  
6 service provisioning and content transfer and synchronization. On information and belief,  
7 Synchronoss transacts business and has directly or indirectly sold and/or caused to be  
8 distributed to customers in this judicial district and throughout the State of Wisconsin  
9 products and/or services that infringe one or more claims each of the '779 Patent and the '946  
10 Patent.

11                               **JURISDICTION AND VENUE**

12           6.       This Court has exclusive jurisdiction over the subject matter of this Complaint  
13 under 28 U.S.C. §§ 1338(a).

14           7.       Personal jurisdiction over the Defendant is proper in this Court. Venue in this  
15 judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

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17                               **DEFENDANT'S ACTS OF PATENT INFRINGEMENT**

18           8.       Defendant has been and is directly infringing at least Claim 6 of the '779  
19 Patent and at least Claim 1 of the '946 Patent under 35 U.S.C. §271(a) by providing to  
20 customers, including customers in this judicial district, platforms for provisioning and  
21 customizing telecommunications services, including telephone and/or broadband service.

22           9.       Defendant has been and is directly infringing at least Claim 6 of the '779  
23 Patent under 35 U.S.C. §271(a) by making, offering for sale, selling, using and/or importing  
24 platforms for provisioning network services in and/or into the United States. Upon  
25 information and belief, products made, offered for sale, sold, or imported into the United  
26 States by Defendant include, by way of example but not limitation, the "Convergence Now"  
27 and "Convergence Now plus+" provisioning platforms. Defendant has also infringed the '779

1 Patent under 35 U.S.C. §271(b) by knowingly and actively inducing others to infringe through  
2 the sale, distribution and/or use of such provisioning platforms. By way of example, not  
3 limitation, a representative claim chart showing how the provisioning platforms made, sold,  
4 offered for sale, used or imported in and/or into the United States by Defendant infringe at  
5 least Claim 6 of the ‘779 Patent is attached as Exhibit C.

6 10. Defendant has been and is directly infringing at least Claim 1 of the ‘946  
7 Patent under 35 U.S.C. §271(a) by making, offering for sale, selling, using and/or importing  
8 platforms for provisioning customized telecommunications services in and/or into the United  
9 States. Upon information and belief, products made, offered for sale, sold, or imported into  
10 the United States by Defendant include, by way of example but not limitation, the  
11 “Convergence Now” and “Convergence Now plus+” provisioning platforms. Defendant has  
12 also infringed the ‘946 Patent under 35 U.S.C. §271(b) by knowingly and actively inducing  
13 others to infringe through the sale, distribution and/or use of such provisioning platforms. By  
14 way of example, not limitation, a representative claim chart showing how the provisioning  
15 platforms made, sold, offered for sale, used or imported in and/or into the United States by  
16 Defendant infringe at least Claim 1 of the ‘946 Patent is attached as Exhibit D.

17 11. Defendant’s direct infringement and inducement to infringe have been willful  
18 and have deliberately injured and will continue to injure Plaintiff unless and until the Court  
19 enters an injunction prohibiting further infringement and, specifically, enjoining further  
20 manufacture, use, importation, sale and/or offer for sale of products that fall within the scope  
21 of the asserted patents.

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#### **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs ask this Court to enter judgment against Defendant and  
25 against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert  
26 or participation with them, granting the following relief:

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1 A. An award of damages adequate to compensate Plaintiff for the infringement  
2 that has occurred, together with prejudgment interest from the date infringement of the  
3 asserted patents began;

4 B. Increased damages as permitted under 35 U.S.C. § 284;

5 C. A finding that this case is exceptional and an award to Plaintiff of its attorneys'  
6 fees and costs as provided by 35 U.S.C. § 285;

7 D. A permanent injunction prohibiting further infringement, inducement and  
8 contributory infringement of the asserted patents; and

9 E. Such other and further relief as this Court or a jury may deem proper and just.

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11 **JURY DEMAND**

12 Plaintiffs demand trial by jury on all issues presented in this Complaint.

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14 Dated this 7<sup>th</sup> day of April, 2011.

Respectfully submitted,

15 /s/ Philip P. Mann

16 Philip P. Mann, WSBA No: 28860

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